

MAY 22 2006

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) LIP-101XC1
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First named Inventor: Chelsea Samo-Lipman

Application No.: 10/776,830

Art Unit: 2876

Filed: February 11, 2004

Examiner: Karl D. Frech

Title: Methods of Identifying and Registering Constellations

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment under 37 CFR 1.111 (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

David Saliwanchik
Signature

May 22, 2006

Date

David R. Saliwanchik

Typed or printed name

31,794

Registration Number, if applicable

Saliwanchik, Lloyd & Saliwanchik
A Professional Association

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(352) 375-8100

Telephone Number

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Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.May 22, 2006

Date

David Saliwanchik
Signature

David R. Saliwanchik

Typed or printed name of person signing certificate

MAY 22 2006

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below:

May 22, 2006

David Saliwanchik

David R. Saliwanchik, Patent Attorney

PETITION UNDER 37 CFR §1.137(b)

Patent Application

Docket No. UF-LIP-101XC1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Karl D. Frech
Art Unit : 2876
Applicant : Chelsea Samo-Lipman
Serial No. : 10/776,830
Filed : February 11, 2004
For : Methods of Identifying and Registering Constellations

Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

PETITION UNDER 37 CFR 1.137(b) FOR REVIVAL OF AN
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY

Sir:

The undersigned hereby petitions the Commissioner to revive, pursuant to 37 CFR 1.137(b), the patent application identified above. As set forth in more detail below, the Petitioner's failure to respond to an outstanding Office Action, prior to the statutory expiration date for responding, was unintentional.

The Petitioner respectfully submits it never intended to abandon the subject application. The failure to respond to the outstanding Office Action under 37 CFR §1.111 was a result of an anomaly in the Petitioner's docketing software wherein the due date for responding was not properly calculated, compounded by human error wherein an incorrect due date was entered manually. Once the error was identified, and it was determined that the deadline passed, a response was prepared

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Docket No. LIP-101XC1
Serial No. 10/776,830

without delay and is submitted herewith. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional.

Attached herewith is the Amendment under 37 CFR §1.111 in response to the outstanding Office Action dated November 17, 2005.

In view of the foregoing, the Petitioner hereby prays that the subject patent application be revived as having been unintentionally abandoned.

Please charge the Petition fee of \$750.00 to Deposit Account No. 19-0065. The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0065.

Respectfully submitted,



David R. Saliwanchik

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DRS/la

Attachment: Amendment under 37 CFR §1.111

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